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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,438	09/13/2004	Ralf Hobmeier	2732-142	6719
6449	7590	09/20/2010		
ROTHWELL, FIGG, ERNST & MANBECK, P.C. 1425 K STREET, N.W. SUITE 800 WASHINGTON, DC 20005				
			EXAMINER SHAPIRO, JEFFERY A	
			ART UNIT 3653	PAPER NUMBER
			NOTIFICATION DATE 09/20/2010	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/507,438		HOBMEIER ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	JEFFREY A. SHAPIRO		3653	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 August 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-11, and 18-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-11, 18-25 and 27-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Transitional After Final Practice***

1. The finality of the last office action mailed 3/17/10 has been withdrawn. A new non-final action appears below.

**Applicant's Claims**

1. (Currently Amended) An apparatus for processing bank notes comprising:  
a transport system having a plurality of transport paths for transporting bank notes, said transport system including a diverter device with a bidirectionally drivable transport path linking two branchings of a transport path to permit bank notes in said transport path to be transported in two opposite directions, said diverter device including at least four inputs/outputs and a diverter module with at least four inputs/outputs,

wherein said branchings are disposed within said diverter module,

wherein said diverter module is a separate component arranged to be moved, as a whole, from a first position within the transport system to a second position at least partially away from the transport system, and

wherein the bidirectionally drivable transport path is in fixed position relative to said diverter module.

2. (Original) An apparatus according to claim 1, wherein the diverter module includes said bidirectionally drivable transport path between said two transport path branchings.
3. (Canceled)
4. (Previously Presented) An apparatus according to claim 1, wherein the

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diverter module has two single diverters each with at least three inputs/outputs, a first input/output of the first single diverter being connected or connectable to a first input/output of the second single diverter.

5. (Previously Presented) An apparatus according to claim 4, wherein the connection between the first input/output of the first single diverter to the first input/output of the second single diverter forms the bidirectional transport path between the two transport path branchings.

6. (Previously Presented) An apparatus according to claim 1, wherein at least one or both of the single diverters (38) each have a diverter vane (49) adapted to travel between two positions to divert bank notes alternatively to one of the inputs/outputs (34-37, 60, 61) of the particular single diverter.

7. (Previously Presented) An apparatus according to claim 6, wherein the diverter vane (49) is displaceable between the two positions in a straight line and/or by means of an actuator.

8. (Previously Presented) An apparatus according to claim 1, wherein the apparatus is an apparatus (1) for depositing bank notes (113) which has an input device (7) for inputting bank notes to be deposited and at least one of the following parts: a singler (8) for singling inputted bank notes, a sensor device (10) for testing properties of inputted bank notes, an escrow (6) for temporarily storing inputted bank notes, an end cashbox (4) for final deposit of inputted bank notes, and a return device (19) for returning inputted bank notes.

9. (Previously Presented) An apparatus according to claim 8, wherein the

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transport system has a first transport path (100) which is connected or connectable to the end cashbox (4) for depositing inputted bank notes, a second transport path (107) which is connected or connectable to the escrow (6), a third transport path (9, 11, 24) which is connected or connectable to the input device (7), a fourth transport path (99) which is connected or connectable to the return device (19), or a combination thereof.

10. (Previously Presented) An apparatus at least according to claim 9, wherein the first to fourth transport paths are each connected or connectable to a different one of the four inputs/outputs (34-37) of the diverter module (33).

11. (Previously Presented) An apparatus according to claim 10, wherein the third transport path is connected or connectable to a second input/output (34) of the first single diverter, the fourth transport path to a third input/output (35) of the first single diverter, the first transport path to a second input/output (37) of the second single diverter, and the second transport path to a third input/output (36) of the first single diverter.

12-17. (Cancelled)

18. (Previously Presented) An apparatus at least according to claim 8, wherein a control device (13) which controls the diverter device (33) in dependence on a user-specific default such that inputted bank notes are alternatively either diverted into the escrow (6) or transported into the end cashbox (4) while bypassing the escrow (6).

19. (Previously Presented) An apparatus according to claim 18, wherein the user-specific default is prestored in the apparatus (1) or externally, can be inputted by the user by means of an operating unit, or a combination thereof.

20. (Previously Presented) An apparatus according to claim 1, wherein a bank-note storage (15) having in particular a film storage (15) with at least one rotatably mounted spool core (164) on which at least one film strip (152, 154) can be wound and unwound.

21. (Previously Presented) An apparatus according to claim 1, wherein the spool core (164) is fastened to an output shaft (165) of a motor (162) such that rotation of the output shaft of the motor causes the spool core to corotate.

22. (Previously Presented) An apparatus according to claim 1, wherein the apparatus (1) has a cassette carrier (3) with at least one of a fastening and locking unit for an end cashbox (4), and a further transport path (21) for supplying bank notes from the first transport path (100) to the end cashbox.

23. (Previously Presented) An apparatus according to claim 22, wherein the cassette carrier (3) has at least one of mechanical, optical and magnetic drive and control elements (103, 105) for the end cashbox (4) to permit the latter to be driven or controlled free from electric contacts.

24. (Previously Presented) An apparatus according to claim 1, wherein the diverter device (33) is mounted between two escrows for transporting bank notes between the two escrows, serves as a turn-over module, is connected or connectable to a turn-over module for turning over the position of bank notes, or a combination thereof.

25. (Previously Presented) An apparatus at least according to claim 8, wherein a control device for driving the escrow which is designed so that, in a deposit transaction, bank notes stored temporarily in the escrow can be outputted again in the pending, or at

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least one following transaction, or a combination thereof, regardless of whether the pending deposit transaction is aborted.

26. (Withdrawn) An apparatus at least according to claim 8, wherein a control device for driving the escrow which is designed so that, in a pending deposit transaction, bank notes first introduced into the escrow (6) remain therein if they are bank notes of a predetermined denomination, a predetermined sequence of different denominations, or a combination thereof, whereas the remaining bank notes temporarily stored in the escrow in the pending transaction are transported to the return device if the pending transaction is aborted, or to the end cashbox if the pending deposit transaction is confirmed by the user.

27. (Previously presented) The apparatus of claim 17 wherein the connection of said transmission is via endless belts.

28. (Previously Presented) The apparatus of claim 22 wherein said cashbox is a bank note cassette.

29. (Previously Presented) An apparatus according to claim 1, further comprising:  
a direction of rotation switch-over transmission having a transmission input shaft;  
a first transmission output shaft being coupled to the transmission input shaft; and

a second transmission output shaft being coupled to the transmission input shaft;

wherein the transmission input shaft is rotatable in either of two input directions of rotation, the first transmission shaft being driveable in a direction of rotation opposite to

the direction of rotation of said transmission input shaft, and the second transmission output shaft being driveable in only one direction of rotation.

30. (Previously Presented) An apparatus according to claim 29, wherein the direction of rotation switch-over transmission further has a third transmission output shaft, the third transmission output shaft being driveable in only one direction of rotation which is opposite to the direction of rotation of the second transmission output shaft.

31. (Previously Presented) An apparatus according to claim 30, wherein the transmission input shaft is coupled to the first, second and third transmission output shafts via a tooth gear coupling.

32. (Previously Presented) An apparatus according to claim 30, wherein the second and third transmission output shaft are respectively coupled to freewheels.

33. (Previously Presented) An apparatus according to claim 30, further comprising a drive unit which is coupled with the transmission input shaft of the direction of rotation switch-over transmission.

34. (Previously Presented) An apparatus according to claim 30, wherein the first transmission output shaft is connected to bidirectional transport paths of the transport system and at least one of the second and third transmission output shafts is coupled to a unidirectional transport path of the transport system.

35. (Previously Presented) An apparatus according to claim 30, wherein the apparatus is an apparatus for depositing bank notes having an input device for inputting bank notes to be deposited and a singler for singling inputted bank notes, wherein the transport system has a first transport path which is connected or



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connectable to an end cashbox for depositing inputted bank notes, a second transport path which is connected or connectable to an escrow, a third transport path which is connected or connectable to the input device, and a fourth transport path which is connected or connectable to a return device, and

wherein the direction of rotation switch-over transmission is connected to at least one of the first to fourth transport paths, and to the singler, for driving said at least one of the first to fourth transport paths.

36. (Previously Presented) An apparatus according to claim 1, wherein said second position is a position completely removed from said transport system in order to provide access to one or more of said transport paths.

37. (Previously Presented) An apparatus according to claim 1, wherein said second position is a position partially removed from said transport system.

38. (Previously Presented) An apparatus according to claim 36, wherein said diverter module is removably fixed in said first position with screws and moved to said second position by loosening of the screws.

39. (Previously Presented) An apparatus according to claim 37, wherein said diverter module is moved to said second position by being swiveled away from said transport system about a radial access.

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1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 8 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 9 mentions the phrase "or a combination thereof" in the last line, which is indefinite as to what is combined and what is not combined.

4. Claims 1, 8 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 18 states that the banknotes are either diverted into the escrow or transported into the cashbox while bypassing the escrow. It is not clear that this is how the apparatus functions, since the escrow is typically used to temporarily store the banknotes until the transaction is accepted, the banknotes then either returned to the user or then sent to the cashbox for storage upon acceptance of the transaction.

6. Claims 1, 8 and 22-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 23 is unclear. For example, what structure or element is the term "latter" referring to?

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8. Claim 24 is indefinite. For example, what is being connected to what? Also, there is turn-over module distinct from the diverter device, or does the diverter device also serve as a turn-over module?
9. Claim 25 is unclear.
10. Claim 27 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
11. Claim 27 depends from cancelled Claim 17.

***Claim Rejections - 35 USC § 102***

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claims 1, 2, 4-7, 36 and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Biegelsen et al (US 2004/0150158 A1).

Regarding Claim 1, Beigelsen discloses an apparatus for processing banknotes in the form of a print engine (530). Note that banknotes may be fed to the print engine for printing, which is construed as "processing". There are no limitations regarding checking the genuiness or acceptability of the banknotes, for example. Biegelsen's apparatus discloses a transport system (500) with a plurality of

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transport paths (510, 520), as illustrated in figure 5. The transport system can be construed to have a diverter device and have a bidirectionally driven transport path (160) which allows the transport path to be driven in two or more opposite directions and which links two or more branchings. Paragraph 23 refers to figure 5, and mentions that paths can be forward, backward and parallel. The diverter device includes at least four inputs/outputs (520). Note that a diverter module may be construed to be one device (100) as illustrated at figure 1, with four inputs/outputs (110). Note that the branchings are construed to be within the module (100), as illustrated at figures 1-4. Note that figure 4 illustrates a diverter module with six paths, all bi-directionally drivable. Note that adding modules to each side of a module illustrated in figure 4, results in the array of figure 9. Note that the rotating device (160, 260) or the vanes (360) of a middle module may be kept fixed, with the modules on each of the four sides of the middle module diverting the sheet in one to six different paths each. Such a configuration with a middle module and four other modules may be construed as a single module, for example. The five modules may be construed to be removable together from a first position within the transport system to a second position at least partially away from the transport system. Note that there are no limitations regarding the structure of accomplishing such function. Note paragraph 6 mentions intermodule latching means. See also paragraphs 17-30.

Regarding Claim 2, note again, paragraph 20, mentioning reversing the transport direction by reversing the driving motor.

Regarding Claims 4 and 5, note that a single diverter module as described regarding Claim 1, that two devices (100) may be connected together to create a single module with at least three inputs/outputs, specifically six input/outputs. Note that fixed drive module (920) may be placed between said two devices (100) to create a single module.

Regarding Claim 6, note that the two devices referred to regarding Claims 4 and 5 may be configured as devices (400) with vanes (460,470).

Regarding Claim 7, note paragraph 22 mentions that vanes (460, 470) are displaceable linearly by linear motors or solenoids or rack and pinion couplings, which are all construed as actuators.

Regarding Claims 36 and 37, a position completely or partially removed from said transport system is considered to be met by Biegelsen.

### ***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minamishin et al (US 6,315,279) in view of Biegelsen et al (US 2004/0150158 A1).

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Regarding Claim 8, Minamishin discloses an apparatus for depositing banknotes with an input device (61) and a sensor device (64), escrow (66), end cashbox (28, 21, 22) and return devices (24a, 24b, 24c).

16. Biegelsen discloses the system as described above.

Regarding Claim 8, at the time of the invention, it would have been obvious to one of ordinary skill in the art to have added the diverter modules as taught by Biegelsen in the Banknote processing apparatus of Minamishin for the purpose of diverting banknotes with diverters that allow flexibility of configuration.

Regarding Claim 9, note paths (12g 12a, 12e, 12f, 12g, 24c) as illustrated in figure 2 of Minamishin.

Regarding Claim 10, note that each of the paths are connectable to a different input/output of Biegelsen's module as described above.

Regarding Claim 11, note that each of the paths of Minamishin are connectable, construed as capable of being connected, to any of the inputs/outputs of Biegelsen's module as described above.

17. Claims 18, 19 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minamishin et al (US 6,315,279) in view of Biegelsen et al (US 2004/0150158 A1) and further in view of Peebles et al (US 2002/0003163 A1).

Minamishin discloses the system as described above.

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Regarding Claims 18, 19 and 25, Minimishin does not expressly disclose, but Peebles discloses a controller that controls the transport system based on a user-specific default in the form of a cancel command, which cancels the transaction, thus telling the controller to reverse the banknotes held by the escrow and return them to the user/operator, or upon acceptance of the transaction, to cause the controller to cause the transporter to move the banknotes from the escrow to the cashbox for permanent or semi-permanent storage, as is a typical function of automatic teller machines. See Peebles, paragraphs 2, 3, 16, 18, 65 and 66.

Regarding Claims 18 and 19, at the time of the invention, it would have been obvious to one of ordinary skill in the art to have added the cancel command as taught by Peebles, in the Banknote processing apparatus of Minamishin for the purpose of providing a user with a verification procedure to ensure accuracy of the transaction.

18. Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minamishin et al (US 6,315,279) in view of Biegelsen et al (US 2004/0150158 A1) and further in view of Patterson et al (US 6,196,464 B1).

Minamishin discloses the system as described above.

Regarding Claim 20, Minimishin does not expressly disclose, but Patterson discloses an escrow in the form of a tape/film storage device (52) with a storage

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drum/spool core (90) on which the film and the banknotes to be stored in escrow are stored. See Patterson, figure 5 and col. 4, line 14-col. 5, line 32.

Regarding Claim 21, Patterson discloses a spool core with a motor (53) and shaft.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have added a tape/film storage device as taught by Patterson, in the Banknote processing apparatus of Minamishin since this is a typical escrow device as used in the field of banknote processing devices such as automated teller machines (ATM's).

19. Claim 22, 23 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minamishin et al (US 6,315,279) in view of Biegelsen et al (US 2004/0150158 A1) and further in view of Brexel et al (US 2003/0000957 A1).

Minamishin discloses the system as described above.

Regarding Claims 22 and 23, Minamishin does not expressly disclose, but Brexel discloses a cassette carrier (40) with a locking unit (38) for an end cashbox (30) with a further transport path (70) and a first transport path (72), the cassette carrier having control elements (92).

Regarding Claim 28, note that Brexel's cashbox can be construed as a banknote cassette.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have added a cassette carrier device as taught by Brexel, in the Banknote processing apparatus of Minamishin for the purpose of efficiently



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servicing of the cassettes and cashboxes of banknote processing devices such as automated teller machines (ATM's).

20. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Minamishin et al (US 6,315,279) in view of Biegelsen et al (US 2004/0150158 A1) and further in view of Mennie et al (US 6,074,334) and still further in view of (Lundblad et al (US 6,598,726 B1).

Minamishin discloses the system as described above.

Regarding Claim 24, Minimishin does not expressly disclose, but Mennie discloses a turn-over module (10) as illustrated at figures 3-5.

Regarding Claim 24, Minimishin does not expressly disclose, but Lundblad discloses the concept of using multiple escrows (14, 15 and 21-24) as illustrated at figures 3-5.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have added a turn-over device as taught by Mennie, in the banknote processing apparatus of Minimishin for the purpose of orienting the banknote in the correct orientation for the imaging sensor to properly image the banknote as well as to access both front and obverse sides for imaging.

At the time of the invention, it would have also been obvious to have added multiple escrows as taught by Lundblad, in the Banknote processing apparatus of Minamishin for the purpose of increasing the volume of banknotes Minimishin's apparatus may temporarily store, as dictated by volume demands.

Therefore, it would have been well within the art of one ordinarily skilled to have added a diverter module as taught by Biegelsen, between two or more escrows or between a turnover module and other parts of the system, since Biegelsen's diverters divert sheets to various locations and directions. Note also that Biegelsen's diverter modules may also be used as a turn-over module as they can direct a sheet to a direction 90 degrees to an incoming direction, then reverse the sheet back down to a location in front of the original incoming location. See Biegelsen, figures 1-4.

21. Claims 29-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minamishin et al (US 6,315,279) in view of Biegelsen et al (US 2004/0150158 A1) and further in view of Van Lierde et al (US 6,005,212).

Minamishin discloses the system as described above.

Regarding Claims 29-35, Minamishin does not expressly disclose, but Van Lierde discloses a transmission input shaft (28), coupled to a drive unit in the form of a motor (28), a first transmission output shaft (38), a second transmission output shaft (194), and a third transmission output shaft (110), all of the shafts being connected by toothed gearing, i.e., such as cogs (22), second and third shafts being connected to freewheels in the form of clutches (44) and (86)

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have added a transmission device as taught by Van Lierde, in the banknote processing apparatus of Minamishin for the purpose of transmitting

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rotational motion to the various rotating elements in Minimishin's apparatus, as is well within the ordinary skill of one ordinarily skilled in the art, for the purpose of driving Minimishin's apparatus.

22. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Biegelsen et al (US 2004/0150158 A1).

Biegelsen discloses the system as described above.

Regarding Claim 38, Biegelsen discloses interlocking mechanisms (120).

Biegelsen does not expressly disclose screws as interlocking mechanisms.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have incorporated screw fasteners as the interlocking mechanisms of Biegelsen since screw fasteners are art known devices for accomplishing the interlocking of one part to another.

23. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Biegelsen et al (US 2004/0150158 A1) in view of Ford et al (US 2004/0155442 A1).

Biegelsen discloses the system as described above.

Regarding Claim 39, Biegelsen discloses interlocking mechanisms (120).

Regarding Claim 39, Biegelsen does not expressly disclose, but Ford discloses using a hinge to move a diverter module from one position to another position in a swiveling manner.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have incorporated hinges, as taught by Ford, as the interlocking mechanisms of Biegelsen since hinges are art known devices for accomplishing the interlocking of one part to another and allow the swinging away of the part from the mating part, for the purpose of ease of access to the swung part while maintaining its connection to the other part.

Note also that under MPEP 2114, functional language such as the phrase "is moved to said second position by being swiveled away from said transportation system" does not limit an apparatus claim.

### ***Conclusion***

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nomiya '205, Duff '199, Hostetler '359, Brooks '156, Conrow '711, Wolf '284, Hadimioglu '975, Lofthus '365, Will '924, Conrow '095, Biegelsen '831, Jackson '447, Christl '982 and Biegelsen '198 are all cited as disclosing sheet feeders with diverter modules.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY A. SHAPIRO whose telephone number is (571)272-6943. The examiner can normally be reached on Monday-Friday, 9:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stefanos Karmis can be reached on (571)272-6744. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeffrey A. Shapiro/  
Primary Examiner, Art Unit 3653

September 15, 2010